



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Eshwar PITTAMPALLI

Application No.: 09/365,678

Filed: August 2, 1999

Group Art Unit: 2617

Examiner: Phuong, Dai

For: METHOD OF MAINTAINING A COMMUNICATION LINK IN
WIRELESS NETWORK GROUPS

Attorney Docket: 29250-002076/US

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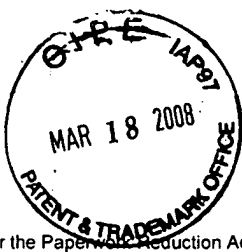
March 18, 2008

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Sir:

Further to the concurrent filing of the attached Notice of Appeal, the following remarks are submitted in connection with the above-identified patent application under the Pilot Program for Pre-Appeal Brief Conference (Off. Gaz. Patent & Trademark Office, Vol. 1296, No. 2, July 12, 2005).

Claims 1-19 are pending. Of those, claims 1, 11 and 18 are independent.



PTO/SB/33 (07-05)

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Signature _____

Typed or printed name _____

Application Number
09/365,678Filed
August 2, 1999First Named Inventor
Eshwar PITTAMPALLIArt Unit
2617Examiner
Dai Phuong

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 35,416

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

Typed or printed name

(703) 668-8000
Telephone number

March 18, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

Telephonic Interview

Applicants note with appreciation the telephonic interview of February 29, 2008 with Examiner Phuong in which Examiner Phuong stated the present art may not teach each of the limitations of claims 1, 11 and 18. However, due to the approaching statutory 6 month date, Applicants felt it necessary to submit a Notice of Appeal along with a pre-appeal conference request. Applicants respectfully request reconsideration of the October 18, 2007 Final Office Action.

Rejections for which Conference is Requested

A Pre-Appeal-Brief Conference is requested to review the rejection of claims 1-2, 4, and 8 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,393,261, Lewis ("Lewis"); the rejection of claims 3, 5-7, and 9-10 under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of U.S. Patent No. 5,396,541, ("Farwell"); the rejection of claims 11-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,633,888, Stewart ("Stewart") in view of Farwell; and the rejection of claims 18-19 under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of U.S. Patent No. 6,295,310, Yamauchi et al. ("Yamauchi").

Claims 1-2, and 4 - Lewis

Initially, Applicants' direct the conferees' attention to Applicants' arguments on pages 7-9 of the August 1, 2007 Response. Next, Applicants submit the Examiner does not identify anything in Lewis as teaching any type of unregistration process as claim 1 requires. Additionally, Lewis fails to teach "transmitting a message to the dependent indicating to the dependent to register with a communications network" as claim 1 recites. Accordingly, Lewis fails to teach each of the limitations in claim 1 as is required to support a rejection under §102.

Claims 3, 5-7, and 9-10 – Lewis and Farwell

As is stated above, Lewis fails to teach each of the limitations of claim 1. Further, the Examiner does not identify anything in Farwell as teaching "transmitting a message to the dependent indicating to the dependent to register with a communications network" as claim 1

recites. Accordingly, neither Lewis nor Farwell, alone or in combination teach each of the limitations of claim 1. Consequently, the Examiner has not established a *prima facie* case of obviousness with respect to claim 1, or any of the claims which depend from claim 1, as is required to support a rejection under §103.

Claims 11-17 – Stewart and Farwell

Initially, Applicants' direct the conferees' attention to Applicants' arguments on pages 9-10 of the August 1, 2007 Response. Next, Applicants submit neither Stewart nor Farwell, alone or in combination, teach "continuously monitoring for frequency hopping sequences" and "registering a dependent with one of (1) the controller and (2) a second master device & the controller if the dependent detects a signal transmitted on a second frequency hopping sequence" where the signal has "**a higher signal strength** than a signal transmitted on the first frequency hopping sequence", as claim 11 recites.

Applicants note the Examiner appears to read the 'mobile device' in Stewart as the 'dependent' in claim 11. Stewart teaches a process whereby, once a received signal strength for a mobile device drops below a given threshold, the mobile chooses an access point to switch to based on which access point has the highest '**adjacency value**' (Stewart col. 10, ln. 15-20). The mobile determines which access point has the highest adjacency value based on an 'adjacency matrix' which is transmitted to the mobile device from an access point and stored in the memory of the mobile device (Stewart col. 7, ln. 1-12). Stewart does not teach an adjacency value being equivalent to a detected signal strength. Accordingly, Stewart teaches a process whereby a mobile device switches to an access point having a highest **adjacency value**, not a higher **signal strength** as claim 1 requires. Further, Stewart teaches switching access points **when a current signal drops below a threshold value**, not **if a frequency hopping sequence having a higher signal strength is detected** as claim 1 requires.

Farwell likewise fails to teach the limitations of claim 11. The Examiner appears to read the 'mobile unit' in Farwell as the 'dependent' in claim 11. However, Farwell teaches monitoring signal strength at a base station, not a mobile unit (Farwell col. 3, ln. 36-40). Accordingly, Farwell does not teach registering the dependent if the **dependent** detects a

signal transmitted on a second frequency hopping sequence having a higher signal strength as claim 11 requires.

Accordingly, neither Stewart nor Farwell, alone or in combination teach each of the limitations in claim 11. Consequently, the Examiner has not established a *prima facie* case of obviousness as is required to support a rejection under §103.

Claims 18-19 Yamauchi and Stewart

Initially, Applicants' direct the conferees' attention to Applicants' arguments on pages 10-11 of the August 1, 2007 Response. Next, Applicants note the Examiner directs the Applicants' attention to column 10, lines 1-57 of Stewart and column 4, lines 39-54 of Yamauchi in the Final Office Action of October 18, 2008. However, neither of these passages teaches **"transmitting an unregistration message over the second frequency hopping sequence if the strength of the signal transmitted over the first frequency hopping sequence falls below a threshold value"** as claim 18 recites. Further, neither Yamauchi nor Stewart appears to teach transmitting any type of unregistration message as claim 18 requires. Accordingly, neither Yamauchi nor Stewart, alone or in combination, teach each of the limitations in claim 18. Consequently, the Examiner has not established a *prima facie* case of obviousness as is required to support a rejection under §103.

Claim Interpretation

Applicants note the Examiner's remarks on pages 11 and 12 of the October 18, 2007 Final Office Action with respect to claim interpretation. Applicants assume the Examiner is arguing that the prior art can read on terms used in claims 1, 11 and 18 in ways other than those identified by the Applicants in the Response of August 1, 2007. However, the Examiner fails to specifically state how the cited art is being read on the terms in claims 1, 11 and 18. Thus, Applicants submit that despite the Examiner's assertion that claim language can be interpreted broadly, the Examiner still fails to specifically identify any interpretation of claims 1, 11 and 18 under which the cited art teaches each of the limitations in any of claims 1, 11 and 18 as is required to support rejections under §102 or §103.

CONCLUSION

In view of the above remarks, Appellants request the Pre-Appeal Brief Conference to find in favor of Appellants' positions and arrange for withdrawal of the above-noted rejections.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-2025 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

By  55,149

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